Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 1 of 56

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-20-12 Nadine Faye Prior Printed/Typed Name If you are acting on behalf of any entity, identify that you are (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

2013 JAN 10 PM 3: 29 Susan L. Schneider, attorney for the United States of America TO:

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Date: Dec. 22, 2012	Deorgeanne Fulstone-Pucillo Signature GEORGEANNE FULSTONE PUEILLO
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
n 5 w	acting as:of
	(Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 4 of 56

Case 3:73-cv-00127-RCJ-WGC Document 1789 Filed 01/08/13 Page 2 of 2

	4.	I (or the entity on whose behalf I am acting) will retain all defenses or objections
-	to the lawsuit	or to the jurisdiction or venue of the court except for objections based on a defect
	in the Notice	in Lieu of Summons or in the service of the Notice in Lieu of Summons.
I	5	If I (on the antity on whose behalf I am noting) have noteined an attenuate

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney: William E. Peterson

Address: 50 W. Liberty, Suite 510

Reno, Nevada 89501

Phone Number: (775) 785-5440

Fax Number: (775) 785-5441

Fax Number: (775) 785-5441

E-mail Address: wpeterson@swlaw.com

<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

Deorgeanna Fulstone-Pucillo (Printed or typed Name)

Georgeanne Fulstone-Pucillo

(Entity, if any, on whose behalf you are appearing)

1461 "C" Street

Fureka, CA 95501
(Address)
(707) 443-5555
(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

Susan L. Schneider, attorney for the United States of America TO:

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Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

(Title) a-Trevnan Famil (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Filed 01/02/13, Page 1 of 5 Document 1797 Filed 01 C Document 4 Filed 11/21/13 Page 6 of 56 RECEIVED FILED ENTERED SERVED ON COUNSEL/PARTIES OF RECORD JAN 02 2013 1 No Com 2 IN THE UNITED STATES DISTRICT COURTCLERK US DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 DISTRICT OF NEVADA DEPUTY 4 UNITED STATES OF AMERICA 5 In Equity No. C-125-ECR Plaintiff. Subfile No. C-125-B 6 WALKER RIVER PAIUTE TRIBE, DISCLAIMER OF INTEREST IN 7 WATER RIGHTS AND NOTICE OF Plaintiff-Intervenor, 8 RELATED INFORMATION AND DOCUMENTATION SUPPORTING 9 DISCLAIMER 10 WALKER RIVER IRRIGATION 11 DISTRICT, a corporation, et al., 12 Defendants. 13 14 The undersigned counter-defendant in the above action hereby notifies the Court and the 15 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 1.6 no interest in any water right within the categories set forth in Paragraph 3 of the Case 17 Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action. 18 This disclaimer and notice shall be sent to the following two persons: 19 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 South Virginia Street, Suite 301 22), NV 89501 we have already
mailed this in but
horget to sign it
so here is au
signed copy. And Susan L. Schneider United States Department of Justice L. Schneider 999 18th Street d States Department of Justice South Terrace - Suite 370 30x 756 Denver, CO 80202 on, CO 80160 cause the undersigned sold or otherwise conveyed ownership of all of the ER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information: 5 The name and address of the party or parties 6 7 Name(s): Timothy B. Tiernan & Katherine J Quinlan tustees for the Quintan /Tiernan Family Trust 8 9 Street or P.O. Box: 2636 Irene Way owners of: 10 Lot II in Black A 11 of the Virgina Lakes Town or City: 12 Bishop Subdivisión No. 3 in NE 1/4 13 Sect 7, SE 1/4, SE 1/4 Sec 6 8, SW1/4 SW1/4 Sec 5 T. 2N., R. 2E State: 14 CA m. D. B. &M 15 mono county, CA Zip Code: 93514 16 The name and address of each person or entity who acquired ownership 17 18 Name(s): 19 .20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION,

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.2 3. [name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] my property is not reparian to the. Creek and is included in error -11 2636 Irene Way Bishop, [address] 760) 873-8023 [telephone number]

DISCLAIMER OF WATER RIGHTS AND MOTICE OF RELATED INFORMATION, page 4 of 4

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United States District Burt for the AST- JAV HOD South Virgina Street, Soite 301

Linda Lea Sharek, Chait Deputy Clear

28 DEC 2012: PM #T MOJAVE CA

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 1 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of 2 Summons or by a Notice in Lieu of Summons, the undersigned provides the following 3 additional information: The name and address of the party or parties who sold or otherwis 5 1. 6 CTSHID: Name(s): Timothy B. Tiernan i Katherine J Quinlan 7 Tustees for the Quinlan /Tiernan Family Trust 8 9 Street or P.O. Box: 2636 Irene Way uwners of: 10 Lot II in Black A 11 of the Virgina Lakes Town or City: 12 Bishup Subdivisión No. 3 in NE 1/4 Sect 7, SE 1/4, SE 1/4 SEC 6 8. 13 State: SW14 SW14 Sec 5 TIZN, R. 25 14 CA m. D. B. 8.M 15 mono County, CA Zip Code: 93514 16 The name and address of each person or entity who acquired ownership 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

Case	35 9 3	73-cy 00127-RCJ-WGC Document 1792 Filed 12/28/12 Page 3 of 4 cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 13 of 56
•	1	
٠	2	3. Attached to or included with this notice is a copy of the (check appropriate
•		(es)):
	6	Deed Court Order
÷	8	Other Document.
May from	10 11 12	which the change in ownership was accomplished. 4. The undersigned acknowledges that any person or entity who files a Disclaimer Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, e undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, if fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
Ö	14	uis litigation.
	16 17	Executed this day of 20
	18 19	
	20 21	[signature of counter-defendant]
	22 23	
*	24 25	[name of counter-defendant]
4	26	

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

[name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] my property is not operian to the. Creek and is included in error .11 2636 Irene Way Bishop, [address] 7601 873-8023 [telephone number]

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 15 of 56

U.S. Department of Justice

ENV E NA THE STICE DENVER VER PROPERTY and Natural Resources Division

90-6-2-86

Denver Field Office 999 18th Street South Terrace, Suite370 Denver, CO 80202 2012 DEC 31 PM 2: 17

Telephone (303) 844-1348 Facsimile (303) 844-1350

December 12, 2012

Re: United States v Walker River Irrigation Dist., et al., In Equity No. C-125; Subfile C-125-B

Dear Defendant: I do-+ own property!!!

You are receiving this package because the U.S. District Court of Nevada has determined that owners of property with dormant riparian rights in California should be joined to this on-going case. Please review the contents of this package carefully.

Recently, the State of California and Mono County asserted that dormant (unexercised) surface riparian rights are real and substantial rights in the State of California. As a result, the Court has determined that holders of these rights should be joined in this proceeding under category 3b of the enclosed Case Management Order.

You may be one of several persons and entities who were previously served in this case and then dismissed because the Court determined that your water uses do not fit within the categories of persons and entities to be served in this case. Although the Order dismissing you from this case noted that you may be joined at a later time, we did not think such a determination would be made this quickly and regret any confusion or inconvenience to you.

If you have any questions, please contact me, ¹ Michael W. Neville, Deputy Attorney General for the State of California [(415) 703-5523, <u>Michael.Neville@doj.ca.gov</u>] or Stacey Simon, Assistant County Counsel, Mono County, California [(760) 924-1700, <u>ssimon@mono.ca.gov</u>].

Jeg: Town!

John John !

Exilored find the!

Exilored find stop!

Stop sends

Sincerely,

Susan L. Schneider, Trial Attorney

Susan I Schned

US Department of Justice

999 18th Street

South Terrace - Suite 370

Denver, CO 80202

(303) 844-1348

susan.schneider@usdoj.gov

After January 3, 2012, please contact Attorney Andrew Guarino at (303) 844-1343 or gus.guarino@usdoj.gov..

United States in writing of that fact. 1 If such person or entity sold or otherwise conveyed ownership of all of the water 2 rights that the person or entity once owned before they were served or otherwise brought into this action, in addition to disclaiming any interest in this action, they shall include a notice 4 providing the following information: 5 The name and address of the person or entity who sold or otherwise 6 conveyed ownership; The name and address of each person or entity who acquired ownership; 7 8 A copy of the deed, court order or other document by which the change 9 in ownership was accomplished. The disclaimer and notice shall be sent to the Court and counsel for the United 10 3. 11 States, addressed as follows: 12 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 13 400 South Virginia Street, Suite 301 Susan L. Schneider Reno, NV 895501 14 United States Department of Justice Susan L. Schneider 999 18th Street 15 United States Department of Justice South Terrace - Suite 370 P.O. Box 756 Denver, CO 80202 16 Littleton, CO 80160 The form and substance of the disclaimer and notice shall substantially conform 17 18 to the form attached to this Order as Exhibit A. Following their receipt from any person or entity disclaiming any interest in any 19 5. 20 6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws 21 of the State of Nevada within the Walker River Basin. 22 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin 23 who currently use groundwater. 24 8. Category 3.h.: All municipal providers in California within the Walker River Basin 25 who currently use groundwater. 26 9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who 27 currently use groundwater. 28 ORDER - DISCLAIMER OF INTEREST, page 3 of 4

Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 17 of 56

SERVING INYO AND MONO COUNTIES U.S. DEPT. OF JUSTICE ENV. & NAT. RES. DIV. DENVER. CO

INYO-MONO TITLE COMPANY

2012 DEC 31 PM 2: 18

873 NORTH MAIN STREET **BISHOP, CA 93514** PHONE: (760) 873-5821 FAX: (760) 873-7804

JULY 23, 2012

KELLY RAE PO BOX 5333 **RENO, NV 89513**

RE:

ESCROW NO. 135042

YOUR REFERENCE: 2035 SWAUGER CREEK ROAD BRIDGEPORT CA 93517

IN CONNECTION WITH THE ABOVE TRANSACTION, WE ENCLOSE:

ESCROW CLOSING STATEMENT

OUR CHECK DUE TO YOU FOR PROCEEDS AND/OR REFUND WAS WIRED PER YOUR INSTRUCTIONS

ANY RECORDED DOCUMENTS TO WHICH YOU ARE ENTITLED WILL BE FORWARDED.

THANK YOU FOR GIVING US THE OPPORTUNITY OF SERVING YOU.

INYO-MONO TITLE COMPANY

CHRIS CORTEZ, ESCROW-OFFICER



Inyo-Mono 2012 DEC 31 PM 2: 18 Title Company

Seller Settlement Statement

Folder Number: 135042

Disbursement Date: 07/23/12	1	
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PO BOX 758	Ochron	<u>.</u>
BRIDGEPORT, CA 93517		
KELLY RAE		
PO BOX 5333		
RENO, NV 89513		and the second of the second
2035 SWAUGER CREEK ROAD		
BRIDGEPORT, CA 93517		
INYO-MONO TITLE COMPANY		
873 NORTH MAIN STREET		
BISHOP, CA 93514		
Contact: CHRIS CORTEZ at (760)873-5821		
scription (POC)	Seller Debit	Seller Credit
	KELLY RAE PO BOX 5333 RENO, NV 89513 2035 SWAUGER CREEK ROAD BRIDGEPORT, CA 93517 INYO-MONO TITLE COMPANY 873 NORTH MAIN STREET BISHOP, CA 93514 Contact: CHRIS CORTEZ at (760)873-5821	BRIDGEPORT, CA 93517 KELLY RAE PO BOX 5333 RENO, NV 89513 2035 SWAUGER CREEK ROAD BRIDGEPORT, CA 93517 INYO-MONO TITLE COMPANY 873 NORTH MAIN STREET BISHOP, CA 93514 Contact: CHRIS CORTEZ at (760)873-5821

Settlement Agent:	INYO-MONO TITLE COMPANY 873 NORTH MAIN STREET BISHOP, CA 93514 Contact: CHRIS CORTEZ at (76			
	Description	(POC)	Seller Debit	Seller Credit
				315,111.00
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County Tax Proration		••••••••	174.58	
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PAYOFF(S)				
GMAC MORTGAGE, LLC			151,714.31	
Principal	\$151,064.32			
Interest	\$551.49	929		
to 07/27/12				
Statement Fee	\$30.00			
to GMAC MORTGAGE, L	LC			
Recording Fee(s)	\$16.00			
to GMAC MORTGAGE, L				
Reconveyance Fee	\$45.00			
to GMAC MORTGAGE, L				
Wiring Fee	\$7.50			
to GMAC MORTGAGE, L	TC			
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Premium	\$533.00			
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GOVERNMENT RECORDING	AND TRANSFER CHARGES			
City/County Tax/Stamps				8
Deed			347.05	EXHIBIT 23

Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 1/201413 Page 19 of 56

Recording Requested By: GMAC MORTGAGE, LLC

When Recorded Return To: Current Trustor: KELLY RAE PO BOX 5333 RENO, NV 89513 Page 1 of 1
Date: 8/7/2012 02:00P
Filed by: GMAC MORTGAGE CORP.
Filed & Recorded in Official Records
of MOND COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: \$8.80

FULL RECONVEYANCE

GMAC MORTGAGE, LLC #:0551577109 "RAE" Lender ID:10025/1692996515 Mono, California PIF: 07/23/2012 MERS #: 100037505515771098 SIS #: 1-888-679-6377

Prepared By: Bulk, GMAC MORTGAGE, LLC 3451 HAMMOND AVENUE, PO BOX 780, WATERLOO, IA 50704-0780 1-800-766-4622

EXECUTIVE TRUSTEE SERVICES, LLC as present Trustee for the Deed of Trust executed by KELLY RAE as Trustor(s), Dated: 09/10/2003 Recorded: 09/17/2003 in Book/Reel/Liber: NA Page/Folio: NA as Instrument No.: 2003010201 of official Records in the office of the County Recorder of Mono, California having been requested in writing, by the holder of the obligations secured by said Deed of Trust, to reconvey the estate granted to trustee under said Deed of Trust, does hereby reconvey to the person or persons legally entitled thereto, without warranty, all the estate, title and interest acquired by Trustee under said Deed of Trust.

Parcel No. 007030011000

IN WITNESS WHEREOF, EXECUTIVE TRUSTEE SERVICES, LLC as the Trustee has caused its corporate name to be affixed by a duly authorized officer on the date shown in the acknowledgment certificate below:

By: EXECUTIVE TRUSTEE SERVICES, LLC as Trustee

BRANDI PECENKA, AUTHORIZED OFFICER

STATE OF lowa

COUNTY OF Black Hawk

On ______, before me D. STOREY Notary Public, personally appeared BRANDI PECENKA, AUTHORIZED OFFICER, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/they voluntary act and deed.

WITNESS my hand and official seal,

D. STOREY Notary Expires: 09/27/2014 #769870

D. STOREY
COMMISSION NO. 769870
MY COMMISSION EXPIRES
September 27, 2014

(This area for notarial seal)

Cocc	ase	3:73-cv-00127-RCJ-WGC Document 1 3-cv-00127-RCJ-WGC Docum	.894	Filed 06/17/13 Page 1 of 4
Case). / [5-CV-00127-RCJ-VVGC D0Culli	ent f	4 Filed 11/21/13 Page 20 of 56
••	1	* " "		ENTERED SERVED ON
	ı		1	COUNSEL/PARTIES OF RECORD
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		,		
	2			CLERK US DISTRICT COURT
	3	IN THE UNITED STA	TES I	ISTRICI ASSAULT OF NEVADA
(4)	. 1	FOR THE DIST	RICI	OR NEVADA DEPUTY
	4	TO THE OF A MEDICA		
	5	UNITED STATES OF AMERICA,		
		Plaintiff,)	In E	quity No. C-125-ECR
	6	.)	Sub	file No. C-125-B
	7	WALKER RIVER PAIUTE TRIBE,		
	1	WALKERICKER	DIS	CLAIMER OF INTEREST IN
(4)	8	Plaintiff-Intervenor,		TER RIGHTS AND NOTICE OF
	_)	RE	LATED INFORMATION AND
	9	v		CUMENTATION SUPPORTING
	10		DIS	CLAIMER
		WALKER RIVER IRRIGATION		
5 <u>5</u>	11	DISTRICT,		
	12	a corporation, et al.,		
		Defendants.	`	
	13	Defendants.		
	14			* *
•	1			<u>:c</u>
	15	The undersigned counter-defendant in t	he abo	ve action hereby notifies the Court and the
	16			
		United States that the undersigned (or the ent	ity on v	whose benali the undersigned is acting) has
	17.	no interest in any water right within the categ	ories s	et forth in Paragraph 3 of the Case
	18			
20		Management Order (Apr. 18, 2000) and, ther	cfore,	disclaims all interest in this action.
	19	This disclaimer and notice shall be sen	t to the	following two persons:
	20	This discianner and notice anali to see		
	20	Linda Lea Sharer, Chief Depu	tu Cler	+
52	21	United States District Court fo	or the I	District of Nevada
	22	400 South Virginia Street, Sui	te 301	
	22	Reno, NV 89501	10	•
7)	23	200.000 14 Chart 14		(• 1
	~.	· And		
	24			Susan L. Schneider
1.0	25	Susan L. Schneider	inctice	United States Department of Justice 999 18th Street
		United States Department of I P.O. Box 756	and c	South Terrace - Suite 370
	26	1.0. Box 750 <u>Littleton, CO 80160</u>		Denver, CO 80202
	27		.1.1	
		In addition, because the undersigned s	old or	otherwise conveyed ownership of all of the
	28			e ·
-		DISCLAIMER OF WATER RIGHTS AND NOTI	CE OF	RELATED INFORMATION, page 1 of 4
	- 9			

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 1 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of 2 Summons or by a Notice in Lieu of Summons, the undersigned provides the following 3 additional information: 5 The name and address of the party or parties who sold or otherwise conveyed 1. 6 ownership: This property was not sold. I do not have any water rights 7 Name(s): 8 9 Street or P.O. Box There is no surface water on my proper 10 11 Town or City: 12 13 State: 14 15 Zip Code: 16 The name and address of each person or entity who acquired ownership 2. 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

ı	
1	2
2	3. Attached to or included with this notice is a copy of the (check appropriate
3	
4	box(es)):
5	e e
6	□ Deced
7	☐ Court Order
8	☐ Other Document.
9	
10	by which the change in ownership was accomplished.
11	4. The undersigned acknowledges that any person or entity who files a Disclaimer
12	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13	the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14	in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15	this litigation.
16	12
17	Executed this 13 day of June 20 13.
18	
19	
20	
21	John Kenny Kenny JA
22	[signature of counter-defendant]
23	
24	
25	•
	[name of counter-defendant]
26	JoAnn Keinwald
2	•
. 2	DIGUES AND NOTICE OF RELATED INFORMATION, page 3 of 4
	I STORY LIVED OF WATER RIGHTS AND MUTICE OF ADDRESS

[name, if applicable, of person acting on of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] Owner John Runwood 199 Charley Day Dr. Bridgiport CA. 93517 PO. BOX 564 [address] [telephone number] 760-9320097 Lot #1 Portion Twin Lakes Subdivision
Parcel # 10=3209 Lot # 14 North Portion Twin Lakes Subdivisie Zoned R-1 Parcel # 1033208

DISCLATMEN OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-18-2012

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

. I. I	9	Susan L. Robbins
Date: 12/18/2012		Signature
	*	Susan L. Robbins
	3 a ⁽⁴⁾	Printed/Typed Name
a Titan A A A A		If you are acting on behalf of any entity, identify that you are
	81 25	acting as: of
	⇒	(Title)
¥ ₀		(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:	1/7/13	5 5	Signature Company of the Company of
	4		Clark O. Roberts
			Printed/Typed Name
	* 8 9		If you are acting on behalf of any entity, identify that you are
		20 12	acting as:of
10 10	2 t		(Title)
ě	9 8	16 10	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

EXHIBIT 238

Case 3:73-37472727272801-WESC 120 count & 12/4 Files to 1/10/23/13 4 4 4 6 6 5 6

500	
1	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
2	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec
3	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
4	5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5	represent me in these proceedings, I identify that attorney below, along with his or her mailing
	address, telephone number, facsimile number, and e-mail address:
6	Attorney:
7	Address:
8	
9	
10	Phone Number:
11	Fax Number:
12	E-mail Address:
13	
14	<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.
15	· ·
16	"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall
17	register as Filing Users of the System. Registration shall be in the form prescribed by
A5 22	the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
18	
19	(Signature)
20	
21	(Printed or typed Name)
22	
23	
24	(Entity, if any, on whose
25	behalf you are appearing)
26	2772 Cunning ham Lu.
27	(Address)
	(760) 616 - 4063
28	(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

EXHIBIT 238

Case 3173-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 142 de 29 8 656 U.S. DEPT. OF JUSTICE DENYER, CO 1 2 IN THE UNITED STATES DISTRICT COURT 3 FOR THE DISTRICT OF NEVADA 4 UNITED STATES OF AMERICA, 5 In Equity No. C-125-ECR Plaintiff, Subfile No. C-125-B 6 WALKER RIVER PAIUTE TRIBE, DISCLAIMER OF INTEREST IN 7 WATER RIGHTS AND NOTICE OF Plaintiff-Intervenor, 8 RELATED INFORMATION AND DOCUMENTATION SUPPORTING 9 DISCLAIMER 10 WALKER RIVER IRRIGATION 11 DISTRICT, a corporation, et al., 12 Defendants. 13 14 The undersigned counter-defendant in the above action hereby notifies the Court and the 15 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 16 no interest in any water right within the categories set forth in Paragraph 3 of the Case 17 Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action. 18 This disclaimer and notice shall be sent to the following two persons: 19 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 400 South Virginia Street, Suite 301 22 Reno, NV 89501 23 And Susan L. Schneider 24 United States Department of Justice Susan L. Schneider 999 18th Street 25 United States Department of Justice South Terrace - Suite 370 P.O. Box 756 26 Denver, CO 80202 Littleton, CO 80160 In addition, because the undersigned sold or otherwise conveyed ownership of all of the 27 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

Case 3:73-cv-00127-RCJ-WCC Document 4 Filed 1/21/13 Page 30 of 56 I am desorte YCAG never owner AWARE OF water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once 1 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following 4 additional information: The name and address of the party or parties who sold or otherwise conveyed 5 6 ownership: 7 Name(s): 8 9 Street or P.O. Box: 10 11 Town or City: 12 13 14 15 Zip Code: The name and address of each person or entity who acquired ownership 16 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

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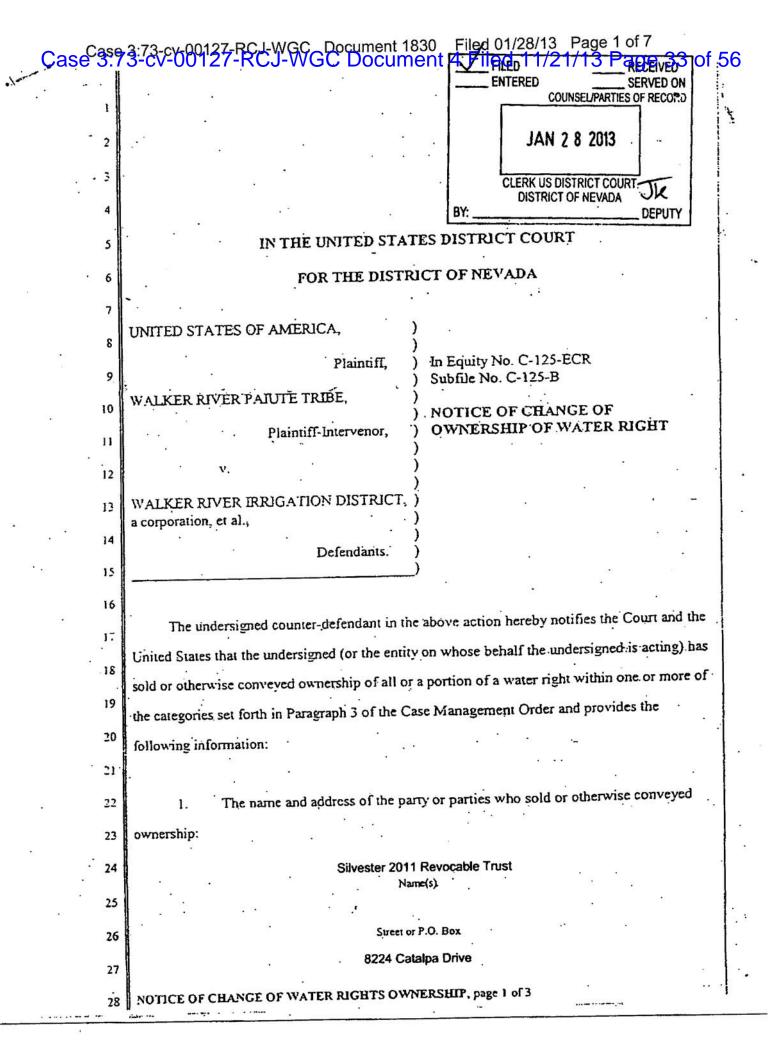
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10	by	which the	change i	n own	ership	was accor	nphisheo			eite wh	o files a	Discla	imer	
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4. The undersigned acknowledges that any person or entity who files a Disclaimer of In the undersigned acknowledges that any person or entity who files a Disclaimer of In														
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Case 3,73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 32 of 56

[name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] .11 [address] 1850 Smoke Tree Lang Palm Spring, CA 92264 [telephone number] 760 323 1207

WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

DISCLAIMER OF



Case 5.79-3:7300-72127RCJ=WAGCPD000000114804 Filed011/2803/19age2ge734 of 56

. 1		Ç	Citrus Heights	CA	95810							
2		To	wn or City	State	ZipCode	•;						
3	2. The name and address of each person or entity who acquired ownership											
4	Robert J Brandt											
3		8	•	Name(s)	•							
. 5	ł		218	Claxton Road	•	•						
6												
Ĭ		S	tar Valley	AZ	85541	:00						
7	ŀ	Tov	vn or City	State	ZipCode							
8		81 •		5.								
9	3. Attached to or included with this notice is a copy of the (check appropriate											
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10		57 \										
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12			Other Docume	nt.								
43	by which the change in ownership was accomplished.											
14	4. The undersigned acknowledges that any person or entity who files a Notice of											
15	Change of Ownership of Water Right using this form is ultimately responsible for the accuracy											
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16	9.		are mideraren		iges that any person	n or enuty who nies						
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		I his no	tice shall be se	nt to the follow	ving two persons:	·						
20		Linda Lea Share	er, Chief Deput	v Clerk								
21	: • •	United States D	istrict Court for	the District o	f Nevada							
22	400 South Virginia Street. Suite 301 Reno, NV 89501											
-		And .	**									
23				d. O	1920	50 00 5						
24		Susan L. Schnei			L. Schneider							
		United States Do P.O. Box 756	-parunent of Ju		d States Department 8th Street	of Justice						
25	•	Littleton, CO 8	0160		Terrace - Suite 370							
6		,,	. , .	Denve	er, CO 80202							
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8	NOTICE OF C	LANGE OF WAT	ED DICTES OF	WALCHOUTH -								
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Document 1830 Filed 01/28/13 Page 3 of 7 RCJ-WGC Document 4 Filed 11/21/13 Page 35 of 56 such a notice, but retains such water rights, shall nevertheless, be bound by the results of this 2 litigation. 3 day of January 20 13. Executed this 5 6 7 [signature of counter-defendant] 8 9 Silvester 2011 Revocable Trust by William R. Brandt, Successor Trustee 10 [name of counter-defendant] 11 12 [signature, if applicable, of person acting on 13 behalf of counter-defendant] 14 15 [name, if applicable, of person acting on 16 behalf of counter-defendant] 17 18 4582 Blackwell Rd 19 Oceanside, CA 92506 20 [address]. 760-414-9587 21 [telephone number] 22 23 24 25 26 27

- Case 3:393-3:7300-101727FRCJ-WOGCPDOWNIGM 68704 FIRE @ 11/28/23/1930 A get 36 of 56

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

DONALD E. BRODEUR, ESQ. Murphy Austin Adams Schoenfeld LLP 304 "S" Street Sacramento, CA 95811-6906

MAIL TAX STATEMENTS TO:

Robert J. Brandt 218 Claxton Road Star Valley, AZ 85541

Doc # 2012001755 Page 1 of 4 Date: 4/2/2012 03:33P Filed by: GENERAL PUBLIC Filed & Recorded in Official Records of MOND COUNTY LYXOA ROBERTS CLERK-RECORDER Fee: \$27.88

Documentary Transfer Tax: NONE No Consideration; No Sale Also - See Note 1 Below The Undersigned Grantor So States

QUITCLAIM DEED

WILLIAM R. BRANDT, Successor Trustee of the SILVESTER 2011 REVOCABLE TRUST, established March 14, 2011, hereby quitclaims to ROBERT J. BRANDT, all of the Trust's right, title and interest as to an undivided one-half (1/2) interest in the real property situated in the County of Mono, State of California, more particularly described as follows:

> SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

APN:

002-020-007-000

Commonly known as: 1570 Cunningham Lane, Coleville, CA 96107

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Case 3:73-cv-00127-RCJ-WGC Document 1830 Filed 02/67/26/66 Page 5 of 7 Case 3:73-cv-00127-RCJ-WGC Document 4 Phyliped 41 1/21/13 Page 37 of 56

SILVESTER 2011 REVOCABLE TRUST, established March 14, 2011

DATED: 02, 17 , 2012.

William R Brandt Successor Trustee

STATE OF CALIFORNIA

) SS.

COUNTY OF SAN LUIS OBISPO)

On Feb. 17, 2012, before me, Casey Mayable, a notary public, personally appeared WILLIAM R. BRANDT, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

CASEY MAYVILLE
Commission # 1900929
Notary Public - California
San Luis Obispo County
My Comm. Expires Aug 22, 2014

Signature

(Seal)

Note 1: This conveyance is from a trust (the Silvester 2011 Revocable Trust) to the beneficiary of the trust on the death of the Trustor and not pursuant to a sale and is exempt from Documentary Transfer Tax as a bona fide testamentary gift pursuant to Revenue and Taxation Code § 11911.

Exhibit A to the Quitclaim Deed

Legal Description

That certain real property situated in the County of Mono, State of California, described as follows:

All that portion lying within Sections 5 and 6, Township 8 North Range 23 East, M.D.B. & M., according to the official plat thereof, more particularly described as follows:

Commencing at a point 300 feet due South from the corner common to Sections 31 & 32, Township 9 North Range 23 East and Sections 5 & 6, Township 8 North Range 23 East, M.D.B.&M.; thence running due West 100 feet more or less to a point on the West side of the 69 Ranch Road, which is the True Point of Beginning; thence Southerly, along the West side line of said road 1,000 feet more or less to a point on the West side of said road, at said point there is an East-West fence and cattle guard; thence running due West 300 feet more or less to a point on the West boundary fence of said 69 Ranch; thence running Northerly along said West Boundary line fence 1,000 feet more or less to a point in said fence that is due West of said true point of beginning; thence due East 200 feet more or less to the True Point of Beginning.

Assessor's Parcel Number: 002-020-007-000

Commonly known as: 1570 Cunningham Lane, Coleville, CA 96107

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125. Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:	1/11/13	Signature Charles	
* ****		Printed/Typed Name If you are acting on behalf of any entity, identify that you	are
	4	acting as:	of
= 1 to	2000 AND	(Title)	
	a d	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

se S	3:73-cv-00127-RCJ-WGC Document 1835 Filed 02/11/13 Page 1 of 4 73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 41 of 56
	RÉCEIVED
l	ENTERED SERVED ON COUNSEL/PARTIES OF RECORD
	COUNSELIPARTIES OF TEESTING
1	
	FEB 1 1 2012
2	
3	IN THE UNITED STATES DISTRICT COURT OF MENADA
-	FOR THE DISTRICT OF NEVADA DISTRICT OF NEVADA DEPUTY
4	BY:
5	UNITED STATES OF AMERICA,
7	Plaintiff,). In Equity No. C-125-ECR
6) Subfile No. C-125-B
7	WALKER RIVER PAIUTE TRIBE,
′ 1) DISCLAIMER OF HALEST 22.
8	Plaintiff-Intervenor,) WATER RIGHTS AND NOTICE OF
9) RELATED INFORMATION AND) DOCUMENTATION SUPPORTING
	v.) DISCLAIMER
10	
11	WALKER RIVER IRRIGATION)
. **	DISTRICT, a corporation, et al.,
12	a corporation, or all,
13	Defendants.)
14	
15	The undersigned counter-defendant in the above action hereby notifies the Court and the
***************************************	The undersigned counter-defendant in the above action meres,
16	United States that the undersigned (or the entity on whose behalf the undersigned is acting) has
17.	no interest in any water right within the categories set forth in Paragraph 3 of the Case
	no interest in any water right within the categories set and any water right within the categories
18	Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action.
19	This disclaimer and notice shall be sent to the following two persons:
20	This disclaimer and notice shall be self to the self to
20	Linda Lea Sharer, Chief Deputy Clerk
21	United States District Court for the District of Nevada
.22	400 South Virginia Street, Suite 301
22	Reno, NV 89501
23	And
24	Susan I. Schneider
24	Susan L. Schneider United States Department of Justice
25	Visited States Department of Justice 999 18th Street
26	South Terrace - Suite 370
	Hittleton, CO 80160 Denver, CO 80202
. 27	
28	
	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4
13.75	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RESERVED

water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information: 5 The name and address of the party or parties who sold or otherwise conveyed 6 ownership: 7 Carolyn J. Tiernan 8 Owner of: Lot II in Block A of Street or P.O. Box: 1417 Bear Creek Dr 9 10 11 Town or City: Bishop subdivision 12 No 3 in NE 1/4 Sect 7, SE 1/4, SE 1/4 Sect. 6,8 13 State: 14 SW 1/4 SW 1/4 Sect S T. 2N., R 2SE, MO, B.B.M 15 93514 Zip Code: 16 The name and address of each person or entity who acquired ownership 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

1	
1	
2	 Attached to or included with this notice is a copy of the (check appropriate
3.	3. Attached to or included with this horizon is a sep-
4	box(es)):
5	
6	□ Deed
7	Court Order
8	Other Document.
9	
10	by which the change in ownership was accomplished.
11	4. The undersigned acknowledges that any person or entity who files a Disclaimer
12	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13	the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14	in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15	this litigation.
16	76
17	Executed this 6 day of te6 2013:
18	
19	1 Run
20	1 Charles 9
2:	V
2:	[signature of counter-detendant]
2	1 Juliernan
2	
2	[name of counter-defendant]
	6
	7
. 2	8 DESCRIPTION OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4
	I STOOT ATKED OF WATER KINDLE AND MOST

[name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] My property is not riparian to the creek and is included in error .11 [address] 1417 Bear Creek Bishop, Cr [telephone number] 760 873-4563

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1-3-2013

Signature

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

TO: Susan L. Schmeider, attorney for the United States of America

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Date: 17-77-17

Signature

Pennis H Vansy o C

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

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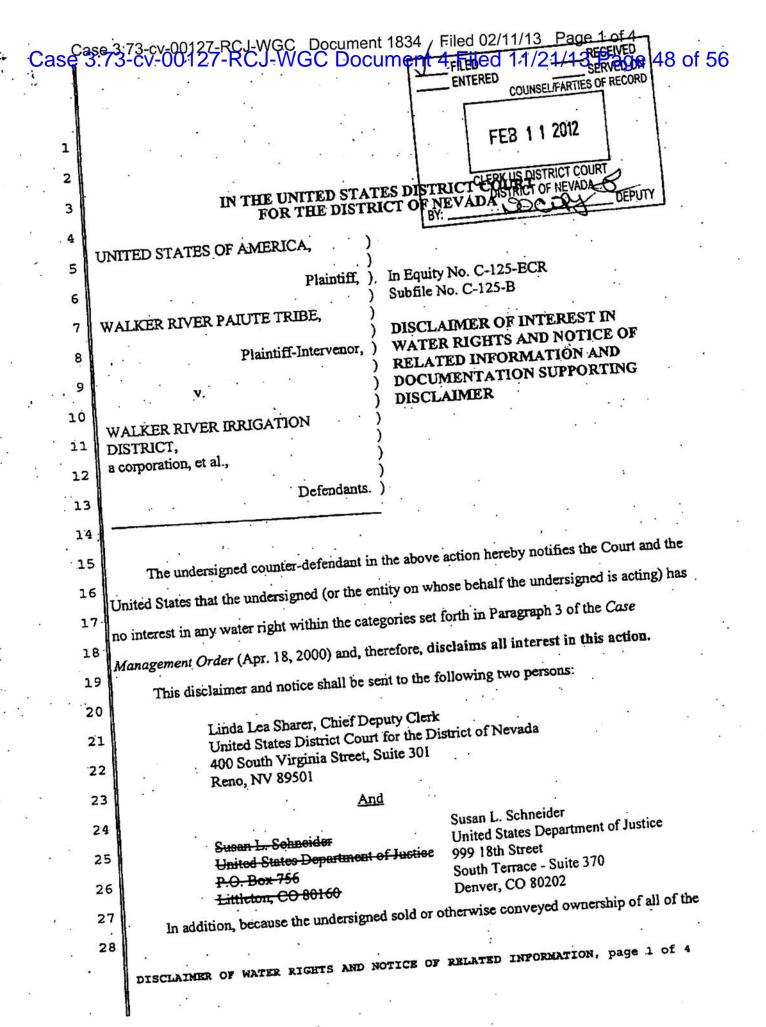
rhy ha	The D. Wehause
Date: $\frac{1/l}{l^2}$	Signature John D. Wehausen
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as:of
	(Title)
	(Corporate, Trust, Partnership or other entity)

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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of 2 Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information: The name and address of the party. 6 neeship: Name(s): John D. Wehausen 7 8 Street or P.O. Box: 1417 Bear Creek Or 9 10 11 Town or City: Bishup 12 13 No 3 in NE 14 Sect 7, 5E14 14 SE 1/4 Sect. 6 8, SW/4 SW/4 Sect. 5 T. 2N., R. 25E, M.D. B.B. M 15 16 The name and address of each person or entity 17 18 Name(s): 19 20 21 Street or P.O. Box: 22 23 Town or City: 24 25 State: 26 27 Zip Code: 28 WATER RIGHTS AND NOTICE OF RELATED INFORMATION,

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7	1		Other Docume	nt			
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9	9		ownership was acc	omplished.	300 E		•
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	17.	Executed this	day or	1			
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	28			200 200		ATION, page 3	of 4
		DISCLAIMER OF	WATER RIGHTS AN	D NOTICE OF F	ELATED INFORM	meron, L.a.	
		DIDUM				25	

3.

[name, if applicable, of person acting on behalf of counter-defendant]

[signature, if applicable, of person acting on behalf of Counter-Defendant]

My property is not riparian to the creek and is included in error

[address]
1417 Bear Creek Dr.
Bishop CA 93574
[telephone number]
760 973-4563

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of

Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 52 of 56

No Page 1	nty No.	Claim No.	Ditch West Hyland
WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA	5880 Water Right Owner:	John L. & Elizabeth J. Bryan Address:	898 W. Goldfield Ave. Verlnaton NV 89447
Division #: 1	Card #:	Name:	Address:

			OVAN	ACRE FEFT REQUIRED	REGUIRED	ACRE FEET	TOPAZ RES.	BRIDGEPORT RES.		TOTAL ACRES	10.000
C.F.S.	ACRES	FACTOR	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #		
	00007	3 2076	S.	1.5444	15.440					Water Rt. Acres	10.000
-	10.000	2010	3		15.440	15.44	10.65	4.79		Non Wfr Rt. Acres	000.
	20.01										
										Acre Feet Storage	15.440
					A THE COMPANY		COMMENTS:	ä			
GAL DESCRIPTION:							05/29/03	05/29/03 - Transferred from card #18000 - Fuchs	om card #18	000 - Fuchs	
Fr. NE 1/4 of NE 1/4, Sec. 35; T 15 N, R 25 E.	ec. 35;						03/14/12	03/14/12 - Changed Address	ess		
		500									
CUMENT HISTORY:											
	DATE	DESCRIPTION	NOI								
	12/06/63	Elizabet	th Fitting &	Paul Fitting to	Sierra Pacific	Elizabeth Fitting & Paul Fitting to Sierra Pacific Power Company.	ıy.				
	07/07/64	Sierra P	Sierra Pacific Power Company	r Company to	to Lands of Sierra.	ra.					
	02/19/70	Lands	of Sierra to	Vevada Depar	Lands of Sierra to Nevada Department of Wildlife.	fe.					
	06/30/77	Lands	Lands of Sierra to Hans & Mar	Hans & Marga	rgaret Fuchs.	or or or	and wife ac	loint Tenants			
	04/11/03	Han & N	Han & Margaret Fuchs to Johr	chs to John L	& Elizabeth	n L. & Elizabeth J. Bryan, nusband and wife as come	מ שווח אווכ מ				

Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 53 of 56

WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA

7

Division #:

Card #: Name:

Fm 89A 1228103

> Lyon County No. Claim No.

Index No.

1758 Hall

User# Ditch

7165
Paul Kent & Shelley Carlin
Address:
8225 Boyd St.
Omaha NE 681344221

Address:

O. & M. Local No. 3

REQUIRED AGRE FEET TOPAZ RES. BRIDGEPORT RES. TOTAL ACRES 1,410 TOTAL APPORTIONED AGRE FEET ACRE FEET CLAIM#	2.900 Water Rt. Acres 1.410			Acre Feet Storage 2.900	COMMENTS:	Transferred from card #27752 - Kiernan & Guard 03/14/12 - Changed Address			Romans.	Romans.	th,		k B. Munson.	Donnaleta Anderson.	erine Wise.	Trustees Deed upon sale to James P. & Susan K. Klernan, Co-Hustees of the Inches Innited Partnership, an undivided 1/2 interest.	Dance D. & Susan K. Kiernan, Co-Trustees of the Kiernan Falling Trust to Cause Living States and Co-Trustees of the Kiernan Falling States and Co-Trustees of the Co-Trustees of t
ACRE FEET REQ	2.0592				· · · · · · · · · · · · · · · · · · ·				Burton & Reta Taylor to Ken & Nancy Romans.	Burton & Reta Taylor to Ken & Nancy Romans.	Ken & Nancy Romans to Mary E. Smith.	Mary Smith to Robert & Judy Coclich.	Robert & Judy Coclich to T. Molnar & B. Munson.	T. Molnar & B. Munson to Terry & Do	T. & D. Anderson to David E. & Catherine Wise.	on sale to James F	n K. Kiernan, Co-Tr
DAYS	95	3						NOIL	& Reta Ta	& Reta Ta	Nancy Ron	mith to Ro	& Judy Co	nar & B. Mt	Anderson	es Deed up	P. & Susa
FACTOR	A 2768	4.4.00				4, Sec. 11;		DESCRIPTION	Burton	Burton	Ken &	Mary S	Robert	T. Mol	T. & D.	Truste	James
ACRES	4 440	0.4.1	1.410			1/4 of NE 1/4		DATE	08/31/77	08/31/77	08/30/79	12/21/79	01/03/85	11/04/85	03/19/87	06/04/97	10/01/97
C.F.S.					i	ardinelli Sub. SE 1/4, Fr. SE 25 E.	sk:										
PRIORITY		NEWL	TOTAL		Oltaidoord 1905	Legal Description: Lots 1 & 5, Cardinelli Sub. Fr. NE 1/4 of SE 1/4, Fr. SE 1/4 of NE 1/4, Sec. 11; T 12 N, R 25 E.	DOCUMENT HISTORY:	DOCUMENT#	#33776	#33778	#48038	#50728	#90499	#96106	#108262	#206073	#208444

Case 3:73-cv-00127-RCJ-WGC Document 4 Filed 11/21/13 Page 54 of 56

						П	PEG TOO STORE			8.250
ACRES	FACTOR	STORAGE	ACRE FEET	T REQUIRED TOTAL	ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	ACRE FEET	CLAIM#	TOTAL ACRES	
8.254	3.2076	99	1.5444	12.740					Water Rt. Acres	8.250
8.254				12.740	12.74	8.74	00.4		Non Wtr Rt. Acres	000
		1				COMMENTS: Map No. 66 12/18/02 - T 05/17/12 - A	COMMENTS: Map No. 66 12/18/02 - Transferred from card #19800 - W. Giles 05/17/12 - Address Changed	om card #19	800 - W. Giles	
DATE	DESCRIPTION	-								
06/01/67	J.P. & N.M	. Peeples	to Roger B.	J.P. & N.M. Peeples to Roger B. & Mildred Lee.						
77/70/20	Roder B.	& Mildred	Lee to Willian	Roger B. & Mildred Lee to William C. & Margaret B. Giles.	t B. Giles.					
04/28/92	Affidavit, I	Death of	Affidavit, Death of Joint Tenant -	- Margaret B. Giles, deceased.	les, deceased.	0.00	nad oiseM clo	Trustees		
12/15/95	William C.	Giles to	the 1995 Will	William C. Giles to the 1995 William Giles Family Trust, William C. Giles & Orsold Marie Lappa, Trust,	y Trust, William	C. Giles & OIS	ola Maile rapp	1		
12/21/95	Re-record	Doc. #18	8265 to corre	Re-record Doc. #188265 to correct legal description	tion Mario	Janua Trietae	s to William C.	Giles, an unn	narried man	
09/24/01	William C	Giles Fa	mily Trust, W	William C. Giles Family Trust, William C. Giles & Orsola marie Pappa, Husband and wife as Joint Tenants with Rig	orsola marie	rappa, Huster	hand and wife	as Joint Tena	William C. Giles Family Trust, William C. Giles & Orsola marie Pappa, Hustras Community and Wife as Joint Tenants with Rights of Survivorship	ship
10/28/02	William C	. Giles, at	n unmarried n	nan to Carl Will	lam & Phyllis A	III HISNORY HES	5			

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Index No. Fm 54	Lyon County No. 1227111 Claim No.	User# 1090 Ditch Greenwood		
	27500 Dale Kennedy & Cleo Kennedy Family Trust	Dale S. & Cleo N. Kennedy, Trustees Address:	40 Starks NV 894419292 O. & M. Local No. 3	
Division #: 2	Card #:		Address:	

				ACDE EFFT REQUIRED	FOURED	ACRE FEET	TOPAZ RES.	BRIDGEPORT RES.	# NIV IS	TOTAL ACRES	8.000
PRIORITY	C.F.S. ACRES	FACTOR	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	Crame		
	000	4 9768	2	2.0592	16.470					Water Rt. Acres	8.000
NEWL	8.000	_	3		46.470	16.47	9.	16.47		A A A A A A A A A A A A A A A A A A A	000
TOTAL	8.000				10.470					NOU WEL ALL ACIDS	8
			6							Acre Feet Storage	16.470
LEGAL DESCRIPTION:							COMMENTS: 06/13/12 -	COMMENTS: 06/13/12 - Address Changed	ped		
Frac. NE 1/4 of NW 1/4, Sec. 11; T 12 N, R 25 E.	N 1/4, Sec. 11;	5									
DOCUMENT HISTORY:											
DOCUMENT #	DATE	DESCRIPTION	NOI		4 4 4 4	A Cullane t	Dale S. & Cle	N. Kennedy, 1	970-71 Roll.		
#05189	01/06/71	Kenned	y, McMahar	n, D.C. & R.J., J	.W. & D.A., L.	Monnody Trust	es of the Dale	Kennedy, McMahan, D.C. & R.J., J.W. & D.A., Lyncil & Sullais to Care of the Dale Kennedy & Cleo Kennedy Family Trust	Kennedy F	amily Trust	
#DATA42	05/04/00	Dale S.	& Cleo N. K	ennedy to Dale	S. & Cleo IV.	Veillient,					

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49.870

90. 76.020

76.020

WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA

Water Right Owner: Address: Albert Carlos Skinner, LLC

92865-380 2049 N. Chouteau St. Orange CA

Address:

275A & A2 Plymouth 1044126 1893 123 Lyon County No. Claim No. Index No. User# Ditch

	TOTAL ACRES	Water Rt. Acres		Non Wtr Rt. Acres	1	Acre Feet Storage	-				ı	1	1	i!				7485 - Francis		
	CLAIM#	123	123	123	123	123	200	123	123	123	123							- PH Prior 000	om card #1	
	BRIDGEPORT RES. ACRE FEET													00.		ŝ	Parcel 1 of PM129037	B.L. Adj #200449	05/23/01 - Transferred from Cald #17 105 - 1 cmmo 05/17/12 - Address Changed	
	TOPAZ RES. ACRE FEET													49.87		COMMENTS:	Parcel 1	B.L. Ad	05/23/07	
	ACRE FEET APPORTIONED													49.87	大 大 大					
	ACRE FEET REQUIRED R ACRE TOTAL	000	000.	000.	000.	000.	1.543	5.622	3 424	1710	1.075	6.972	31.232	49.869	200					
	ACRE FEE						0.4039	0.4039	000	0.089	0.7366	0.7603	2.0592				T. S.			
	DAYS		0	0	0	0	17	17		53	31	32	65	3				f.	がない。	
Z S	FACTOR		3.2076	3.2076	3.2076	3.2076	3.2076	2 2076	3.2010	3.2076	3.2076	3.2076	4 2768	2017				f. Sec. 9;		
C-125, P. 38; Plymouth L & L	ACRES		.160	11.410	13.870	2.080	3 820	020.0	13.920	4.970	1.460	9 170	45.467	19.107	76.027			2 3 4 17 5 SE 114 Er SW 114 of NE 1/4, Sec. 9;		
C-125, P.	C		.002	.137	.166	025	970	040	.167	090.	.018	770	2		.730		:NO	2E 4/4 Er 9	3. 24 E.	
Court Decree:	A. C.	PRIORITE	1862	1863	1864	4060	0001	1878	1878	1885	1802	7601	1897	NEWL	TOTAL		LEGAL DESCRIPTION:	7 214 10 06	T. 11 N., R. 24 E.	

		_		Norman D. Brown, Inc.	Arthur Scott & Terri L.			
	DATE	03/02/90	06/18/92	04/08/93	09/30/93	12/04/96	12/04/96	11/29/00
DOCUMENT HISTORY:	DOCUMENT #	#131161	#152692	#160271	#165045	#200449	#200450	#254030

Division #:

Card #:

Name:

EXHIBIT 260

Company